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7 Attorneys for Plaintiff

ANUBHAV SINGH OBEROI

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 ANUBHAV SINGH OBEROI,

Case No. 5:20-cv-00753-EJD

13 Plaintiff,

14 vs.

16 AIRWIRE TECHNOLOGIES,

17 Defendant.

**PLAINTIFF'S NOTICE AND REQUEST
TO ADMINISTRATIVELY REOPEN CASE
AND SET CASE MANAGEMENT
SCHEDULE AND [PROPOSED] ORDER**

19 _____ / Complaint Filed: January 31, 2020

1 Plaintiff Anubhav Singh Oberoi hereby submits the following status report and request to
2 administratively reopen the case and set case management schedule.

3 On August 4, 2021, the Court administratively closed this case, pending the resolution of
4 Defendant's bankruptcy proceedings. (ECF No. 41).

5 On February 3, 2022, the Bankruptcy Court for the District of Nevada entered an order
6 dismissing Defendant's bankruptcy case without affecting the status of any adversary proceeding
7 pending against Defendant. A true and correct copy of the order and notice of dismissal is
8 attached hereto as **Exhibit A**.

9 On March 17, 2022, the Parties submitted a Joint Status Report notifying the Court that
10 they were currently engaged in negotiations in the hopes of reaching a resolution to the litigation
11 and anticipated having clarity about the success of the negotiations by the end of April.
12 (ECF No. 42).

13 The Parties have been unable to finalize a resolution and thus a reopening of this
14 administratively closed case is necessary. Plaintiff has repeatedly sought to secure participation
15 from Defendant in this Request and in fashioning the proposed case management schedule
16 contained herein. Defendant has not followed through on engaging in the process. A true and
17 correct copy of the written portion of Plaintiff's efforts is attached hereto as **Exhibit B**.

18 Consequently, Plaintiff submits this Joint Request to Administratively Reopen the Case
19 and Set Case Management Schedule. The case management deadlines contained in the
20 accompanying proposed order are adjusted dates designed to mirror the time remaining in
21 advance of the deadlines at the time the case was stayed (originally by the Parties' conditional
22 settlement and subsequently by Defendant's bankruptcy filing) (*See* ECF Nos. 31, 33, 34).

23 DATED: May 12, 2022

Respectfully submitted,

24 RUDY, EXELROD, ZIEFF & LOWE, LLP

25
26 By: /s/ Chaya M. Mandelbaum

CHAYA M. MANDELBAUM

27 ERIN M. PULASKI

Attorneys for Plaintiff

28 ANUBHAV SINGH OBEROI

[PROPOSED ORDER]

The Court having considered Plaintiff's Request to Administratively Reopen Case and Set Case Management Schedule and finding good cause, orders:

The case is administratively reopened and the following Case Management Schedule shall apply to this case:

EVENT	DEADLINE
Joint Trial Setting Conference Statement	June 10, 2022
Trial Setting Conference	11am on July 1, 2022
Fact Discovery Cutoff	July 5, 2022
Designation of Opening Experts with Reports	July 15, 2022
Designation of Rebuttal Experts with Reports	August 13, 2022
Expert Discovery Cutoff	August 29, 2022
Deadlines for Filing Discovery Motions	See Local Rule 37-3
Deadline for Filing Dispositive Motions	September 12, 2022
Hearing on Anticipated Dispositive Motions	9:00 am on October 24, 2022

IT IS SO ORDERED.

DATED: _____

By: _____
HONORABLE EDWARD J. DAVILA
United States District Judge
Northern District of California

EXHIBIT A



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
February 03, 2022

Nicholas Strozza, Assistant United States Trustee
State Bar #CA 117234
Cameron M. Gulden, Trial Attorney
State Bar #MN 310931
UNITED STATES DEPARTMENT OF JUSTICE
Office of the United States Trustee
300 Booth Street, Room 3009
Reno, NV 89509
Telephone: (775) 784-5335
Fax: (775) 784-5531
E-mail: cameron.m.gulden@usdoj.gov

Attorneys for the United States Trustee for Region 17
TRACY HOPE DAVIS

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

AIRWIRE TECHNOLOGIES,

Debtor.

Case No: 21-50314-mkn

Chapter 11

Date: January 12, 2022

Time: 9:30 a.m.

Place: Via Teleconference

**ORDER GRANTING MOTION OF THE UNITED STATES TRUSTEE,
PURSUANT TO 11 U.S.C. § 1112(b) AND FEDERAL RULES OF BANKRUPTCY
PROCEDURE 1017(f) AND 9014, TO DISMISS OR CONVERT CHAPTER 11 CASE**

The Motion of the United States Trustee, Pursuant to 11 U.S.C. § 1112(b) and Federal Rules of Bankruptcy Procedure 1017(f) and 9014, to Dismiss or Convert Chapter 11 Case, filed by Tracy Hope Davis, the United States Trustee for Region 17, came on for hearing after proper

1 notice at the above-stated date and time. ECF No. 44. The Debtor filed an opposition, ECF No.
2 53, and the United States Trustee filed a reply. ECF No. 54. Cameron M. Gulden appeared on
3 behalf of the United States Trustee; Steven R. Harris appeared on behalf of the Debtor; and
4 Nathan G. Kanute appeared on behalf of the Roger H. Elton Trust. Debashis Bagchi, the Debtor's
5 president, also appeared. The Court having reviewed the Motion, considered the arguments of the
6 United States Trustee, and for the reasons recited on the record:
7

8 IT IS HEREBY ORDERED that the United States Trustee's Motion is granted; and
9 IT IS HEREBY FURTHER ORDERED that the above-captioned case is dismissed.
10

11 Respectfully submitted,
12 TRACY HOPE DAVIS
13 UNITED STATES TRUSTEE

14 By: /s/ Cameron M. Gulden
15 Cameron M. Gulden
16 Attorney for the United States Trustee

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, the Attorney submitting this document certifies as follows:

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all Attorneys who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Steven R. Harris, Attorney for Debtor	Signature Waived
Nathan G. Kanute, Attorney for Creditor	Signature Waived

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 2, 2022

/s/ Cameron M. Gulden
Cameron M. Gulden
Attorney for the United States Trustee

NVB 1017-1 (Rev. 8/15)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

AIRWIRE TECHNOLOGIES

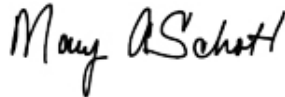
BK-21-50314-mkn
CHAPTER 11

Debtor(s)

NOTICE OF DISMISSAL;
NOTICE THAT ALL PENDING HEARINGS
ARE VACATED

On 2/3/22, the Bankruptcy Court for the District of Nevada entered an order dismissing this bankruptcy case. As a result, all pending hearings in the case, except any pending hearings regarding Appeals and Motions to Reconsider, are hereby vacated and will be taken off calendar without further notice. This notice does not affect the status of any adversary proceedings or any motions or matters that are pending in such adversary proceedings.

Dated: 2/3/22



Mary A. Schott
Clerk of Court

EXHIBIT B

RE: Oberoi revised settlement agreement and release

Pete Cladianos III <pete@crzehlaw.com>

Tue 5/10/2022 1:22 PM

To: Chaya M. Mandelbaum <cmm@rezlaw.com>

Cc: 'Charles R. Zeh Esq. (crzeh@aol.com)' <crzeh@aol.com>; Lockwood, Robert <Robert.Lockwood@lewisbrisbois.com>

Chaya,

We are meeting with our clients later today. Thereafter we will provide a response regarding the joint request. I left you a voicemail that we would meet on Monday. However, we were unable to do so.

Pete

From: Chaya M. Mandelbaum <cmm@rezlaw.com>

Sent: Tuesday, May 10, 2022 1:17 PM

To: crzeh@aol.com

Cc: dbagchi@airwiretech.com; jbengtson@airwiretech.com; jonnbengtson@cs.com; robert.lockwood@lewisbrisbois.com; Pete Cladianos III <pete@crzehlaw.com>; petec2232@aol.com

Subject: Re: Oberoi revised settlement agreement and release

Chuck, Pete and Rob,

Checking in on this for a final time. I plan to move forward with a filing on behalf of AS in the next day or two.

Best,
Chaya

Chaya Mandelbaum

Rudy, Exelrod, Zieff & Lowe, L.L.P.

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San Francisco, California 94104

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From: Chaya M. Mandelbaum <cmm@rezlaw.com>

Sent: Wednesday, May 4, 2022 8:02 PM

To: crzeh@aol.com <crzeh@aol.com>

Cc: dbagchi@airwiretech.com <dbagchi@airwiretech.com>; jbengtson@airwiretech.com <jbengtson@airwiretech.com>; jonnbengtson@cs.com <jonnbengtson@cs.com>; robert.lockwood@lewisbrisbois.com <robert.lockwood@lewisbrisbois.com>; pete@crzehlaw.com <pete@crzehlaw.com>; petec2232@aol.com <petec2232@aol.com>

Subject: Re: Oberoi revised settlement agreement and release

Chuck,

Please advise on whether we have your consent to file. Otherwise we'll move forward with our own request - AirWire doesn't want to stipulate to judgement and isn't funding their own settlement proposal, so I wouldn't think administratively reopening the case would be a controversial result.

Best,
Chaya

Chaya Mandelbaum
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From: Chaya M. Mandelbaum <cmm@rezlaw.com>
Sent: Tuesday, May 3, 2022 3:00 PM
To: crzeh@aol.com <crzeh@aol.com>
Cc: dbagchi@airwiretech.com <dbagchi@airwiretech.com>; jbengtson@airwiretech.com <jbengtson@airwiretech.com>; jonnbengtson@cs.com <jonnbengtson@cs.com>; robert.lockwood@lewisbrisbois.com <robert.lockwood@lewisbrisbois.com>; pete@crzehlaw.com <pete@crzehlaw.com>; petec2232@aol.com <petec2232@aol.com>
Subject: Re: Oberoi revised settlement agreement and release

Chuck,

Please find the draft Joint Request to Administratively Reopen Case and Set Case Management Deadlines. We need the settlement payment or your consent to file this (or any edits you have) over the next day. If not, we'll need to reach out to the Court to explain where things stand from our perspective as we are already past the deadline we said we would get back to the court.

Thanks,
Chaya

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To: Chaya M. Mandelbaum <cmm@rezlaw.com>
Cc: dbagchi@airwiretech.com <dbagchi@airwiretech.com>; jbengtson@airwiretech.com <jbengtson@airwiretech.com>; jonnbengtson@cs.com <jonnbengtson@cs.com>; robert.lockwood@lewisbrisbois.com <robert.lockwood@lewisbrisbois.com>; pete@crzehlaw.com <pete@crzehlaw.com>; petec2232@aol.com <petec2232@aol.com>
Subject: Re: Oberoi revised settlement agreement and release

OK